

## **REMARKS**

### **Interview Summary**

5 Applicant's representative, Mark Niemann, wishes to thank Examiner Tran for the telephone interview conducted on February 18<sup>th</sup>, 2009.

During the interview, Applicant's representative and the Examiner discussed the rejection of the claims in view of the Stevenson reference. While no agreement was specifically reached during the interview, Examiner Tran indicated that she would reexamine the rejections in view of the discussion that occurred during the interview.

10 Applicant respectfully requests a phone call if the Examiner thinks there are any further issues that might delay issuance.

### **Rejections under § 102**

15 Claims 14-54 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2004/0236864 to Stevenson et al. ("Stevenson").

### **The Claims**

**Claim 14** recites a method comprising:

- 20 • receiving a request for media data at a media access server from a media access client configured as a module executable on a computer, wherein the media access server is a module that is also executable on the computer to provide a media selection mechanism to a plurality of said media access clients that are local to the computer;
- 25 • identifying one or more stored media items by the media access server;
- identifying one or more stored media lists by the media access server;
- identifying one or more media devices coupled to the computer by the media access server;
- 30 • aggregating and categorizing information regarding the one or more stored media items, the one or more stored media lists, and the one or more media devices by the media access server and displaying the aggregated and categorized information in a consistent manner by the plurality of said media access clients that are local to the computer, one to another, using a common user interface.
- 35

In making out the rejection of claim 14, the Office argues that claim 14 is anticipated by Stevenson. Applicant respectfully submits that Stevenson does not anticipate claim 14 for at least the reason that Stevenson does not discuss “identifying one or more stored media lists by the media access server; identifying one or more media devices coupled to the computer by the media access server; aggregating and categorizing information regarding the one or more stored media items, the one or more stored media lists, and the one or more media devices by the media access server and displaying the aggregated and categorized information in a consistent manner by the plurality of said media access clients that are local to the computer, one to another, using a common user interface”, as recited in claim 14.

The Office cites to paragraph 0014 of Stevenson as disclosing “identifying one or more stored media lists by the media access server”. Paragraph 0014 of Stevenson is reproduced below for the convenience of the Office:

[0014] In accordance with additional aspects of the invention, a plurality of coded remote interfaces may be provided. Each of the plurality of coded remote interfaces generates an identifier, with the identifier invoking a set of media preferences. The set of media preferences may include a predefined media type for an associated media device associated with the coded remote interface. The predefined media type may be an image medium, a video medium, an audio medium, or an audiovisual medium. Also, the set of media preferences may include a user selectable preference among media content stored on the computer. The set of media preferences may include a discretion limit such that a master user of the system can limit other users of the system from accessing at least one of a media type and specific media content.

There is simply no mention in the excerpt above of “identifying one or more stored *media lists*”, as recited in claim 14. The Office argues that a “media type” corresponds to a media list, but a media type is defined in the excerpt above as “an image medium, a video medium, an audio medium, or an audiovisual medium.” Therefore, claim 14 is allowable for at least the reason that Stevenson does not disclose “identifying one or more stored media lists”.

The Office cites to paragraphs 0010-0013 of Stevenson as disclosing “aggregating and categorizing information regarding the one or more stored media items, the one or more stored media lists, and the one or more media devices by the media access server

and displaying the aggregated and categorized information in a consistent manner". Excerpts from paragraphs 0010-0013 are reproduced below for the convenience of the Office:

5 [0010] The present invention comprises a system and a method for providing media content from a computer to media devices at locations remote from the computer...

10 [0011] More specifically, embodiments of the present invention provide a system and method for presentation of media content from a computer on a media device operable for presenting audio, video, or audiovisual media. A software module for storage on a computer and operable by the computer is provided to receive a media request for a media selection from a media source including video and audio data...

15 [0012] In accordance with further aspects of the present invention, the media source accessible through the computer includes at least one of prerecorded media and a broadcast media source. The broadcast media source includes a service providing audio and video signals to the computer via cable, satellite, broadcast or other transmission media...

20 [0013] In accordance with other aspects of the invention, the software module provides a user interface configured to display information to a user and accept the media request from the user. The user interface may be a local interface of the computer wherein the software module is configured to use a computer monitor to display information to the user and uses a computer input device to accept the media selection from the user. The user interface also may be a remote interface in communication with the computer wherein the software module is configured to use a remote media device to display information to the user and use a remote input device to accept the media selection from the user. In the case of a remote interface, the remote interface may display information on a television, a video monitor, or a remote computer and a remote computer monitor. The remote interface may be configured to communicate the media request from the user to the software module via the communications hub.

35 The excerpts above mention providing "a user interface to display information to a user", but there is simply no mention of "aggregating and categorizing information", as claimed. Furthermore, there is no mention in the excerpt above that the user interface of Stevenson includes "**information** regarding the one or more stored **media items**, the one or more stored **media lists**, and the one or more **media devices**." If the Office disagrees, perhaps the Office can point to a specific section of Stevenson that discusses "**aggregating and**

*categorizing information regarding* the one or more stored *media items*, the one or more stored *media lists*, and the one or more *media devices* by the media access server and displaying the aggregated and categorized information in a consistent manner”, as recited in claim 14.

5 Accordingly, Applicant respectfully submits that Stevenson does not teach or suggest all of the elements of claim 14. Thus, for at least the reasons discussed above, Applicant respectfully submits that claim 14 is in condition for allowance.

10 **Claims 16-23 and 25-27** depend from claim 14 and thus are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 14, are neither disclosed nor suggested by the references of record.

**Claim 28** recites a method comprising in a computer that includes a media access server, a media access client and a user interface generator that are each implemented as one or more modules that are executable on the computer:

- 15
- generating a request for media data at the media access client;
  - receiving information regarding one or more media items by the media access client from the media access server in response to the request, wherein the media access server includes a media selection to provide the information regarding the one or more media items to a plurality of said media access clients;
  - receiving information regarding one or more media devices by the media access client from the media access server, wherein the media selection mechanism of the media access server is configured to provide information regarding the one or more media devices to a plurality of said media access clients;
  - aggregating and categorizing the information regarding the one or more media items and the one or more media devices by the media access client; and
  - generating a user interface containing the aggregated and categorized information by the user interface generator.
- 20
- 25
- 30

In making out the rejection of claim 28, the Office argues that claim 28 is anticipated by Stevenson. Applicant respectfully submits that claim 28 is allowable over Stevenson for similar reasons as those discussed above with regards to claim 14. Specifically, Applicant respectfully submits that Stevenson does not teach or in any way suggest “aggregating and categorizing the information regarding the one or more media

items and the one or more media devices by the media access client”, as discussed above with regards to claim 14.

Accordingly, for at least the reasons discussed above, Applicant respectfully submits that claim 28 is in condition for allowance.

5       **Claims 29-37** depend from claim 28 and thus are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 28, are neither disclosed nor suggested by the references of record.

10      **Claim 38** recites a method comprising in a computer that includes a media access server and a media access client that are each implemented as one or more modules that are executable on the computer, wherein the media access server is executable to provide a media selection mechanism to a plurality of said media access clients that includes:

- 15
- receiving a request for media data at the media access server from the media access client;
  - identifying one or more media items stored in a media database;
  - identifying one or more media lists stored in a media database;
  - identifying one or more media devices; and
  - aggregating and categorizing information regarding the one or more media items, the one or more media lists, and the one or more stored media devices and providing the information to the media access client.
- 20

In making out the rejection of claim 38, the Office argues that claim 38 is anticipated by Stevenson. Applicant respectfully submits that claim 38 is allowable over Stevenson for similar reasons as those discussed above with regards to claim 14. Specifically, Applicant respectfully submits that Stevenson does not teach or in any way suggest “identifying one or more media lists”, as discussed above. Furthermore, Applicant respectfully submits that Stevenson does not teach or in any way suggest “aggregating and categorizing information regarding the one or more media items, the one or more media lists, and the one or more stored media devices and providing the information to the media access client”, as discussed above with regards to claim 14.

Accordingly, for at least the reasons discussed above, Applicant respectfully submits that claim 28 is in condition for allowance.

**Claims 39-41** depend from claim 38 and thus are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 38, are neither disclosed nor suggested by the references of record.

5       **Claim 42** recites an apparatus comprising:

- a media access server implemented as one or more executable modules;
- a media database coupled to the media access server;
- a first media device coupled to the media access server;
- a first media access client implemented as one or more executable modules and coupled to the media access server; and
- a second media access client implemented as one or more executable modules and coupled to the media access server, wherein the media access server identifies media items stored in the media database and aggregates and categorizes information regarding the identified media items and the first media device and provides the information regarding the identified media items and the first media device to the first media access client and the second media access client.

20       In making out the rejection of claim 42, the Office argues that claim 42 is anticipated by Stevenson. Applicant respectfully submits that claim 42 is allowable over Stevenson for similar reasons as those discussed above with regards to claim 14. Specifically, Applicant respectfully submits that Stevenson does not teach or in any way suggest a media access server that identifies media items stored in a media database and  
25      “aggregates and categorizes information regarding the identified media items and the first media device and provides the information regarding the identified media items and the first media device to the first media access client and the second media access client”, as discussed above with regards to claim 14.

Accordingly, for at least the reasons discussed above, Applicant respectfully  
30      submits that claim 42 is in condition for allowance.

**Claims 43-46** depend from claim 42 and thus are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 42, are neither disclosed nor suggested by the references of record.

Claim 47 recites an apparatus comprising [added language is indicated in bold italics]:

- 5 • means for identifying at least one media item, at least one media list, and at least one media device;
- 10 • means for aggregating and categorizing information regarding the at least one media item, the at least one media list, and the at least one media device;
- 15 • means for providing the aggregated and categorized information regarding the at least one media item, the at least one media list, and the at least one media device to a requesting media access client;
- wherein the means for identifying at least one media item, at least one media list, and at least one media device further performs media-related operations for the requesting media access client.

In making out the rejection of claim 47, the Office argues that claim 47 is anticipated by Stevenson. Applicant respectfully submits that claim 47 is allowable over Stevenson for similar reasons as those discussed above with regards to claim 14. Specifically, Applicant respectfully submits that Stevenson does not teach or in any way suggest “identifying … at least one media list”, as discussed above. Furthermore, Applicant respectfully submits that Stevenson does not teach or in any way suggest **“aggregating and categorizing** information regarding the at least one media item, the at least one media list, and the at least one media device”, as discussed above with regards to claim 14.

Accordingly, for at least the reasons discussed above, Applicant respectfully submits that claim 47 is in condition for allowance.

Claims 48-51 depend from claim 47 and thus are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 47, are neither disclosed nor suggested by the references of record.

Claim 52 recites one or more computer-readable media that are tangible and that have stored thereon a computer program that, when executed by one or more processors, causes the one or more processors to:

- 5
- receive a request for media data from a media access client that is implemented as one or more executable modules that are executable on the one or more processors;
  - identify one or more stored audio files;
  - identify one or more stored media lists;
  - identify one or more media devices; and
  - aggregate and categorize information regarding the one or more stored audio files, the one or more stored media lists, and the one or more media devices and provide the information to the media access client.
- 10

In making out the rejection of claim 52, the Office argues that claim 52 is anticipated by Stevenson. Applicant respectfully submits that claim 52 is allowable over Stevenson for similar reasons as those discussed above with regards to claim 14. Specifically, Applicant respectfully submits that Stevenson does not teach or in any way suggest “identify one or more stored media lists”, as discussed above. Furthermore, Applicant respectfully submits that Stevenson does not teach or in any way suggest “aggregate and categorize information regarding the one or more stored audio files, the one or more stored media lists, and the one or more media devices and provide the information to the media access client”, as discussed above with regards to claim 14.

15

20           Accordingly, for at least the reasons discussed above, Applicant respectfully submits that claim 52 is in condition for allowance.

25           **Claims 53-54** depend from claim 52 and thus are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 52, are neither disclosed nor suggested by the references of record.

### **Conclusion**

All of the claims are in condition for allowance. Accordingly, Applicant requests that the Office issue a Notice of Allowability. If the Office's next anticipated action is to be anything other than issuance of a Notice of Allowability, Applicant respectfully  
5 requests a telephone call for the purpose of scheduling an interview.

Respectfully Submitted,

Dated: March 18, 2009

10

By: /Mark F. Niemann/  
Mark F. Niemann  
Reg. No. 61,817  
Sadler, Breen, Morasch & Colby  
509.755.7259